

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF OKLAHOMA**

DEBORA MAYO and CHRISTOPHER)
PICKLE,)
))
Plaintiffs,))
))
v.) No. CIV-11-164-FHS
))
LIBERTY INSURANCE CORPORATION,))
))
Defendant.))

OPINION AND ORDER

Defendant, Liberty Insurance Corporation ("Liberty"), has filed a Motion to Compel (Dkt. No. 32) seeking an order requiring Plaintiff, Christopher Pickle ("Pickle"), to respond to its interrogatories and requests for production and to appear for his deposition. Pickle has not responded to the Motion to Compel and has therefore confessed the matters asserted therein. Local Rule 7.1(c) and (f).

The record establishes that Pickle has failed to provide responses to Liberty's interrogatories and requests for production. These discovery requests were properly served on Pickle through his retained counsel. Pickle's responses were initially due on November 17, 2011. The parties agreed to suspend discovery pending settlement discussions and continued the due date for the responses until March 15, 2012. On March 16, 2012, the Court entered an order authorizing Pickle's counsel to withdraw from their representation of Pickle for the reason that Pickle had discharged counsel. On March 27, 2012, Liberty mailed copies of its discovery requests by certified mail, return receipt requested, to Pickle's last known address and emailed them to his last known email

address. Liberty requested responses by April 27, 2012. The mailing was returned undeliverable and there was no response to the email. To date, no responses to Liberty's discovery requests have been provided by Pickle.

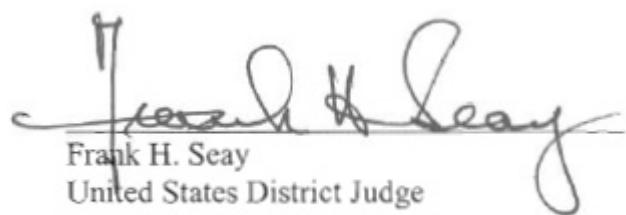
Pickle also failed to appear for his deposition scheduled for May 3, 2012. This deposition was scheduled pursuant to a February 21, 2012, agreement between Pickle's then-counsel and counsel for Liberty. In the same March 27, 2012, mailing and emailing of the discovery requests, Liberty attempted service of a notice to take deposition on Pickle. As noted with respect to the discovery requests, the mailing was returned undeliverable and there was no response to the email.

The foregoing record establishes that Pickle has failed to comply with Liberty's discovery requests and has failed to appear for his deposition. Consequently, Liberty's Motion to Compel (Dkt. No. 32) is granted and Pickle is ordered to (1) fully answer Liberty's interrogatories and requests for production by June 11, 2012 and (2) appear for his deposition at the office of Rhodes, Hieronymus, Jones, Tucker & Gable, 100 West Fifth Street, Suite 400, Tulsa, Oklahoma, 74103, on June 25, 2012, at 9:30 a.m. Pickle's failure to comply with this order may result in the imposition of sanctions, including the dismissal of his action against Liberty. See Fed.R.Civ.P. 37(b)(2)(A).

Liberty's request for reasonable expenses, including attorney's fees for procuring this order, will be considered by the Court after Liberty submits an itemization of its expenses. Liberty shall file its itemization of expenses, including attorney's fees, by June 5, 2012. Pickle is ordered to respond to Liberty's request for expenses and the itemization of such expenses

by June 25, 2012. See Fed.R.Civ.P. 37(a)(5)(A).

It is so ordered this 30th day of May, 2012.



Frank H. Seay
United States District Judge
Eastern District of Oklahoma